

### **REMARKS**

The examiner rejects pending claims 1 – 31, where claims 1, 13, 16, and 25 are independent claims. More particularly, the examiner makes the following assertions:

- DuMont (US5331760) anticipates claims 1 – 4, 6, 8, 12, 16 – 18, 20, and 24 – 28 under §102(b),
- Altilio (US5898363) and Naruki (US4450495) render claims 1 – 4, 6 – 10, 12 – 22, and 24 – 30 obvious under §103,
- Altilio, Naruki, and Munoz (US5877776) render claim 5 obvious under §103, and
- Altilio, Naruki, and Iwai (US2005/0075082) render claims 11, 23, and 31 obvious under §103.

In addition, the examiner provides detailed comments regarding her interpretation of the claimed combination and attachment port. In response, the applicant amends claims 1 – 3, 6 – 8, 12 – 14, 16, 18 – 20, and 24 – 28, and adds new claims 32 – 35. The amendments to independent claims 1, 13, 16, and 25 clarify that the port comprises the opening and that the opening is in the housing. As currently presented, independent claims 1, 13, 16, and 25 each require a port with an opening in the housing and an attachment member/attaching means spanning the opening or in the opening. No new matter is added.

The examiner asserts that the opening recited in the independent claims is in the combined attachment and acoustic port, and not in the port by itself. The applicant disagrees. The claims claim a port comprising an opening. The claims used the phrase “combined attachment and acoustic,” for example, as adjectives to further describe the port. These adjectives do not change the fact that the opening is in the port. However, to facilitate prosecution, the applicant amends the independent claims to clarify that the opening is in the port.

Nothing in the cited art teaches a port comprising a port with an opening in a housing, or an attachment member/attaching means in or spanning the opening. Even when considered in light of the examiner's interpretation of DuMont, which seems to include loops 19 and 75 (Figures 2 and 5) as part of the housing, DuMont's loops are part of a port and are not disposed in an opening of the housing, as required by independent claims 1, 13, 16, and 25. Instead, DuMont's loops, at best, extend around an opening. A loop that forms a boundary for an opening cannot be construed as spanning an opening (claims 1 and 16). Further, because the loop forms a boundary for the opening, the loop cannot be construed as in the opening (claims 13 and 25). Thus, DuMont does not anticipate independent claims 1, 16, and 25 or any claims depending therefrom.

Regarding Altilio, even if the grill portions 12a and 12b of Altilio's mobile device (see Figure 1) can be construed as recessed ports or as openings in a housing, the handle in Altilio (see item 35 in Figure 1) spans the entire grill portion, and therefore is not disposed in an opening and does not span an opening in the same manner as required by the claimed invention. In addition, it will be appreciated that neither the carrying belt mounting parts of Naruki nor the adaptor plate of Munoz teach or suggest the claimed attachment member. Thus, Altilio, Naruki, and Munoz, alone or in combination, do not teach or suggest the opening and attachment member of independent claims 1, 13, 16, and 25.

For at least these reasons, independent claims 1, 13, 16, and 25, and all claims depending therefrom as amended herein are patentably distinct from the cited art.

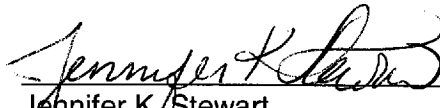
The applicant also submits that nothing in the cited art teaches or suggests spacing the attachment member from the housing to enable a portion of an external strap to extend between the support bar and the housing (dependent claims 4 and 5), spacing the attachment member disposed in the opening with respect to a back portion of the recessed acoustic port (dependent claim 14 and independent claim 16), or disposing the attachment member within the opening

such that the attachment member is flush with the housing or disposed below an outer edge of the housing (new dependent claims 32 – 35, see Figures 3, 4A, and 4B of the instant application). Thus, independent claim 16 is patentably distinct and at least dependent claims 4, 5, 14, and 32 – 35 add patentably distinct limitations to the independent claims for these reasons as well.

For any or all of the above reasons, the applicant submits that claims 1 – 35 are patentably distinct from the cited art. The applicant respectfully requests reconsideration and allowance of the claims. Should any issues remain unresolved, the applicant asks that the examiner call the undersigned so that any such issues may be expeditiously resolved.

Respectfully submitted,

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